

Appl. No.: 10/030,933
Group Art Unit: 1615
Applicants' Amendment After Final submitted December 17, 2004

REMARKS

Claims 19-37 are currently pending in the present application.

Claims 19 and 30 have been amended herein to specify that the claimed processes require the providing of an aqueous mixture consisting essentially of a polysaccharide biopolymer. No new matter has been introduced. Applicants submit that no fees for additional claims are due. A complete listing of all claims ever presented is included herein in accordance with 37 C.F.R. §1.121(c). This amendment is being submitted along with a Request for Continued Examination. Entry of the amendments is therefore proper and respectfully requested.

In the Office Action, the Examiner maintains the rejection claims 19-37 under 35 U.S.C. §103(a), as being unpatentable over U.S. Pat. No. 5,990,381 of Nishihara (hereinafter referred to as "Nishihara"), and makes the rejection FINAL. Specifically, the Examiner contends that Applicants' claimed process is open to the inclusion of non-polysaccharide biopolymers in the mixture. On this basis, the Examiner argues that the claimed invention is *prima facie* obvious and that the burden to prove otherwise has shifted onto Applicants.

Applicants strenuously, but respectfully, traverse the Examiner's rejection and the arguments and contentions in support thereof for the following reasons.

To begin with, Applicants' claimed invention, as amended herein, is directed to processes for preparing a crosslinker-free composition, which comprise: (a) providing an aqueous mixture *consisting essentially of* a polysaccharide biopolymer, wherein the aqueous mixture has a viscosity of from 1,000 mPas to 100,000 mPas; (b) combining a precipitant with the aqueous mixture to form a crosslinker-free biopolymer composition; and (c) dewatering the crosslinker-free biopolymer composition to form a crosslinker-free three-dimensional structure.

By the amendments made herein, Applicants' claimed process excludes processes wherein the aqueous mixture includes collagen as disclosed in Nishihara.

Nishihara is directed to the production of materials comprising shark-derived collagen. (*See*, Nishihara, Abstract). Nishihara does not teach or suggest the claimed process wherein an aqueous mixture consisting essentially of a polysaccharide biopolymer is combined with a precipitant and dewatered.

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Applicants respectfully submit that Nishihara fails to establish a *prima facie* case of obviousness with respect to the amended claims. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) based upon Nishihara are respectfully requested.

In view of the amendments made herein and the comments set forth above, Applicants submit that all pending claims patentably distinguish over the prior art of record and known to Applicants, either alone or in combination. Accordingly, reconsideration, withdrawal of the rejections and a Notice of Allowance for all pending claims are respectfully requested.

Respectfully submitted,

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